

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Western District of TexasUnited States of America  
v.  
ELSA UGARTE GUTIERREZCase No. A-10-M-883FILED  
2010 NOV 15 PM 4:17  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY

Defendant(s)

## CRIMINAL COMPLAINT

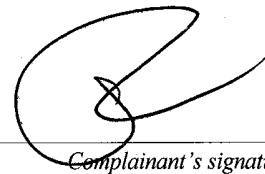
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 30, 2010 in the county of TRAVIS in the  
WESTERN District of TEXAS, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
42 USC Section 408(a)(7)(B)	Social Security Number Misuse
18 USC Section 1546	Fraudulent Use of Alien Registration Card

This criminal complaint is based on these facts:

See attached affidavit

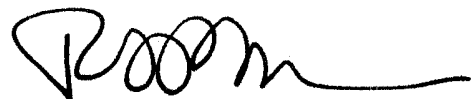
☒ Continued on the attached sheet.

Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/10

Judge's signature

City and state: ASTIN, TXROBERT PITMAN  
U.S. MAGISTRATE JUDGE

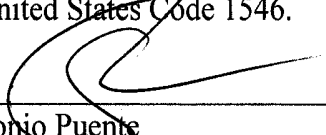
AFFIDAVIT

I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes and have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Elsa Ugarte Gutierrez (hereafter referred to as GUTIERREZ) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1546. Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that GUTIERREZ was one of the twenty-eight individuals that had obtained employment with the PNHRC. I was provided copies of the documents GUTIERREZ provided when applying for employment. A review of these documents revealed that as a part of the application process, GUTIERREZ provided two forms of identification including a Social Security Card (XXX-XX-7293) and a Permanent Resident Alien Card (A# 096-530-606).
4. On November 12, 2010, I also received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated June 30, 2010 by GUTIERREZ. A review of these documents revealed that GUTIERREZ provided the same SSAN (XXX-XX-7293) on both these forms, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to her. The I-9 revealed that GUTIERREZ provided a Permanent Resident Card (I-551) bearing alien registration number 096-530-606 and a Social Security Card SSAN (XXX-XX-7293), claiming that the numbers had been issued to her. PNHRC made a photocopy of the Social Security Card bearing the name Elsa Ugarte

GUTIERREZ and SSAN XXX-XX-7293 and Permanent Resident Card bearing the name Elsa Ugarte GUTIERREZ and alien registration number 096-530-606, upon further review it appears that, the Social Security Card and Permanent Resident Card are fictitious or counterfeit documents.

5. On November 12, 2010, DHS ICE Special Agent (SA) Deron Matteson conducted DHS systems searches for alien registration number 096-530-606, GUTIERREZ provided the PNHRC during the application process. SA Matteson explained that alien registration number 096-530-606, was a valid alien registration number assigned to another individual and not assigned to GUTIERREZ.
6. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the COSS but the SSAN was not issued to GUTIERREZ. The systems searches further revealed that the SSAN was originally by issued on July 18, 1952, to an individual named W. Hancock.
7. On or about June 30, 2010, GUTIERREZ, did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to her, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to her, in violation of Title 42, United States Code, Section 408(a)(7)(B).
8. On or about June 30, 2010, GUTIERREZ did knowingly possess, obtain, accept, or received a document, to wit, a Permanent Resident Alien Card (I-551), in the name of Elsa Ugarte GUTIERREZ, prescribed by statue or regulation as evidence of authorized stay or employment in the United States, knowing that document to be forged, counterfeited, altered, or falsely made, or to have been otherwise procured by fraud or unlawfully obtained, in violation of law of Title 18 United States Code 1546.
9. Based on the forgoing, I submit that sufficient probable cause exists to believe that Elsa Ugarte GUTIERREZ has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1546.



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Antonio Puente  
Special Agent  
Social Security Administration  
Office of the Inspector General  
Office of Investigations

Sworn to before me and subscribed in my presence



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U.S. Magistrate Judge